



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,301	06/20/2003	Robert Cosmo Di Luccio	13700.1	7704
23556	7590	01/07/2005		
KIMBERLY-CLARK WORLDWIDE, INC. 401 NORTH LAKE STREET NEENAH, WI 54956				
EXAMINER TORRES VELAZQUEZ, NORCA LIZ				
ART UNIT			PAPER NUMBER	
1771				

DATE MAILED: 01/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/600,301

Applicant(s)

DI LUCCIO ET AL.

Examiner

Norca L. Torres-Velazquez

Art Unit

1771

-- Th MAILING DATE of this communication app ars on the cov r sheet with the correspondenc address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 14-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/20/03.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. It is noted that the term "agend" has been defined in the Specification as a composition containing an active agent and a positive displacement carrier, either by itself, or in combination with another component be formed into a fiber.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 14-30 are rejected under 35 U.S.C. 102(b) as being anticipated by MARTIN et al. (US 6,162,537).

MARTIN et al. relates to fibers that include a first component formed from a resorbable material and a second component formed from a fiber-forming polymer. (Col. 1, lines 14-16) In Figure 1A, the reference shows a first component 4 and a second component 6. (Col. 5, lines 33-34) The reference teaches the use of alginates and chitosans among the resorbable materials. (Col. 6, lines 26-34) The reference also teaches that the first component can also be fiber-forming. And further teaches that the second component 6 of the fiber 2 may be any known fiber-forming natural or synthetic polymer such as, for example, a polyester, a polyamide and polyolefin among others. (Col. 7, lines 6-15) The reference also teaches the inclusion of a pharmaceutically active agent incorporated in at least one of the components 4 or 6, or both components 4 and 6. (Col. 7, lines 61-66) The pharmaceutically active agents could include therapeutic targets. (Col. 8, lines 10-11) MARTIN et al. also teaches that the fiber can be

Art Unit: 1771

produced by melt-extrusion and solution-spinning. (Col. 9, lines 39-58) The reference teaches that the textile-based structures include nonwoven constructions. The textile-based structures may contain a single fibers of the invention or a plurality of fibers of the present invention. (Col. 12, lines 1-8)

It is the Examiner's interpretation that the nonwoven constructions taught by MARTIN et al. read on the presently claimed nonwoven web, the fibers taught by the reference are equated to the presently claimed "agend fiber" and the first component from a resorbable material taught by the reference is equated to the compound claimed herein and the second component of the reference is equated to the fiber forming component claimed herein. It is the Examiner's position that the alginates and chitosans taught by the reference as resorbable materials are equated to the presently claimed positive displacement carrier and the reference also teaches the inclusion of active agents with therapeutic agents. With regards to the compound being extrudable, as stated above, the reference teaches the use of melt-extrusion.

Therefore, the claims are anticipated for the reasons stated above.

4. Claims 14-30 are rejected under 35 U.S.C. 102(b) as being anticipated by MUMICK (US 5,770,528).

MUMICK teaches nonwovens produced from m-HPC polymers. The polymers taught by the reference have particular applications of interest in air-laid materials for use in body-side liners, fluid distribution materials, fluid in-take materials (surge) and cover stock for various flushable personal care products. (Col. 3, lines 33-37) These materials are useful as binders and structural components for air-laid and wet-laid nonwoven fabrics for water-dispersible products. (Col. 3, lines 1-3) The reference teaches the use of polyvinyl alcohol or aqueous dispersions as

Art Unit: 1771

binding agents. It also teaches the use of acrylates. (Col. 8, lines 43-64) The reference teaches the use of polyesters and polyamides as fiber forming materials. (Col. 7, lines 46-59)


5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

HANSEN et al. (US 5,456,982)

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norca L. Torres-Velazquez whose telephone number is 571-272-1484. The examiner can normally be reached on Monday-Thursday 8:00-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 Norca L. Torres-Velazquez  
Examiner  
Art Unit 1771

January 5, 2005